



PHYSICIAN ASSISTANT COMMITTEE

MEDICAL BOARD OF CALIFORNIA

1424 Howe Avenue, Suite 35, Sacramento, CA 95825-3237
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CALIFORNIA RELAY SERVICE BY TDD: 1-800-735-2929
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Website: www.physicianassistant.ca.gov



Name: Molly Waite, PA
Address: 3700 Fleetwood Way
Bakersfield, CA 93306

License Number: PA-17301

Citation Number: 10-04

Case Number: 1E-03-154842

Richard L. Wallinder, Jr., issues this citation solely in his official capacity as Executive Officer of the Physician Assistant Committee, hereinafter referred to as the "Committee."

License History:

The records of the Committee show that license number PA-17301 was issued to **Molly Beth Waite** on January 26, 2004 and will expire on February 28, 2006.

Citation:

A citation is hereby issued to you in accordance with Title 16 California Code of Regulations, Section 1399.570 for the violations described below.

Causes for Violation:

Violation of Business and Professions Code Sections (B&P):

2052	Unlawful Practice of Medicine Defined
2234(a)	Unprofessional Conduct

The case was initiated when Committee staff confirmed that you were practicing as a physician assistant after you were notified in writing that your approval was no longer valid.

You were granted Interim Approval on July 7, 2003 under the supervision of Aniko Matis, M.D. On August 14, 2003, William Baker, M.D. was added to your Interim Approval as an approved supervisor. On September 23, 2003, the Committee notified you in writing that it had received your scores from the National Commission on Certification of Physician Assistants (NCCPA) for the examination administered September 13, 2003. The NCCPA score report indicated that you had failed the licensure examination. The Committee letter advised you that your Interim Approval was no longer valid and that you must immediately cease practice as a physician assistant. The letter also requested that you return the Certificate of Interim Approval to the Committee office. You returned the certificate to the Committee on October 9, 2003.

On January 16, 2004, committee staff returned your telephone message at (661) 654-0200 ext 105 reaching your voice mail that stated "Molly Waite, Physician Assistant". Committee staff called the number without the extension number and was advised that "you were with a patient". The telephone number is Dr. Baker's medical office.

On January 20, 2004, staff telephoned Dr. Baker who confirmed that you were practicing as a physician assistant. Dr. Baker indicated that you had been practicing since your Interim Approval was granted. Dr. Baker was advised that you must immediately cease working as a physician assistant until your license was issued.

In a telephone conversation with Committee staff, you stated that you were seeing patients with your supervising physician. You indicated that you did not think you were practicing as a physician assistant because you were with your supervising physician. You were advised to immediately cease practice.

B&P Section 2052 states that any person who practices or attempts to practice any mode of treating the sick without having at the time of doing so, a valid, unrevoked, certificate, is guilty of a public offense, punishable by a fine not exceeding \$10,000, by imprisonment, or by both. You did not have a valid interim license to practice as a physician assistant. Therefore, you were practicing medicine without a license.

B&P Section 2234 (a) states that violating or attempting to violate, directly or indirectly, any provision of the Medical Practice Act constitutes unprofessional conduct. You are in violation of B&P section 2052 of the Medical Practice Act, which constitutes unprofessional conduct.

Order of Abatement

The Committee orders you to take the following corrective actions:

1. Submit the name of your supervising physician(s) and a copy of your current signed and dated delegation of services agreement(s) and supervisory guidelines for our review. (Do not send copies of the protocols.)
2. Certify in writing that you have available for inspection, by us or our agent, if requested:
 - (a) written protocols adopted by the supervising physician(s) that comply with the requirements of PA regulation section 1399.545(e)(3) and Business and Professions Code section 3502.1.
 - (b) written transport and back-up procedures for the immediate care of patients who are in need of emergency care beyond the physician assistants scope of practice for such times when a supervising physician is not on the premises (ref. Section 1399.545 (d) of Title 16 of the California Code of Regulations.

3. Enroll in an ethics course. The committee must approve the course prior to your enrollment. The course shall be completed within one calendar year of the date of the issuance of this citation. Course completion must be submitted in writing to the committee within 455 calendar days of the issuance of this citation.

Unless contesting the citation, failure to abate the violation charged within sixty (60) days of date of your receipt of this document may be deemed to constitute a violation of the Physician Assistant Regulations. Failure to comply may result in disciplinary action being taken by the Committee or other appropriate judicial relief being taken against you.

Fine

You are assessed a fine in the amount of **\$2500** as provided by Title 16 California Code of Regulations Section 1399.571 for violation(s) of Sections 2052 and 2234(a) of the Business and Professions Code.

Unless you contest this fine, payment in full by cashier's check or money order must be received by the Committee within thirty calendar days of the Citation's issuance. Payment should be made payable to:

Physician Assistant Committee
1424 Howe Avenue, Suite 35
Sacramento, CA 95825-3237
Attn: Dianne Tincher

For your protection, please remember to include the Citation number on your check or money order.

Payment of any fine shall not constitute an admission of the violation(s) charged.

If you fail to pay the fine within thirty calendar days from the date of assessment, unless under appeal, the full amount of the fine will be added to your license renewal fee or initial license fee, whichever is applicable. The renewal or initial license will not be issued until the appropriate fee, the administrative fine, and the delinquency fee (if appropriate) are paid.

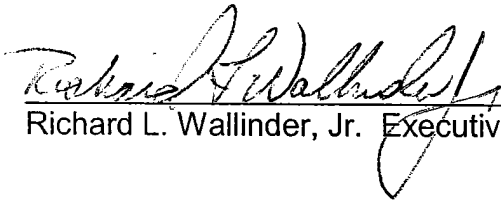
Appeal of Citation

You have the right to contest all or portions of the citation through informal conference, formal appeal, or both. If you wish to contest this citation, you must complete, sign, date, and return the enclosed Notice of Appeal form(s), or any other written notice of appeal, to the Committee within fifteen (15) calendar days after service of the citation. Should you need additional time in which to complete and return the appeal notice(s), please notify the Executive Officer of the Committee immediately at (916) 263-2670, ext 204.

The day the Notice of Appeal form(s) or other written notice of appeal is received by the Committee is the day that the appeal process shall commence. However, any order of abatement stipulation(s) and/or fine(s) assessed for violations not being contested must be

adhered to and/or paid as specified.

If the Citation is not appealed it becomes a final order of the Committee and shall not be subject to further administrative review or judicial relief initiated by the Committee.


Richard L. Wallinder, Jr. Executive Officer

3/16/04
Date